

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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|--|---|--|
| <b>DAVID DE GROOT,</b>   | ) |  |
|  | ) |  |
| <b>Plaintiff,</b>  | ) |  |
|  | ) |  |
| -vs-   | ) | <b>No. 08 C 1167</b>   |
|  | ) |  |
| <b>SUBURBAN BANK &amp; TRUST CO.<br/>and SUBURBAN BANK &amp; TRUST<br/>401(k) PROFIT SHARING PLAN,</b> | ) | <b>Judge Samuel Der-Yeghiayan<br/>Magistrate Judge Maria G. Valdez</b> |
|  | ) |  |
| <b>Defendants.</b>   | ) |  |

**DEFENDANTS' UNOPPOSED MOTION TO FILE REPLY BRIEF INSTANTER**

Defendants Suburban Bank & Trust Co. ("Suburban") and Suburban Bank & Trust 401(k) Profit Sharing Plan ("Plan"), respectfully present Defendants' Unopposed Motion To File Reply Brief, in support of their 12(b)(6) motion to dismiss, instanter, and in support hereof, state as follows:

1. Defendants' counsel was to file a Reply Brief in support of a 12(b)(6) motion to dismiss on Friday, July 18, 2008. (Document # 14)
2. Defendants were unable to complete and file their Reply Brief on Friday, July 18, 2008 due to the press of other matters and the shutting down of its internet services after hours for scheduled maintenance.
3. Defendants Reply Brief is completed and filed with this motion.
4. Counsel for the Defendants, Michael J. Scotti, spoke with Counsel for the Plaintiff, Mark DeBofsky, on Friday, July 18, 2008, to see if Plaintiff had an objection to Defendants' filing their Reply Brief on Monday, July 21, 2008. Counsel for Plaintiff stated that Plaintiff had no objection to Defendants' Reply Brief being filed Monday, July 21, 2008.

WHEREFORE, Defendants respectfully request leave to file their Reply Brief - in support of their 12(b)(6) Motion to Dismiss - instanter.

Dated: July 21, 2008

Respectfully submitted,

SUBURBAN BANK & TRUST CO. and  
SUBURBAN BANK AND TRUST 401(k)  
PROFIT SHARING PLAN

By: s/ Michael J. Scotti, III  
One of their attorneys

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